

REMARKS

The present application was filed on January 23, 2004 with claims 1 through 30. Claims 1 through 30 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1, 2, 6-10, 14-18, 21-25, and 28-30 under 35 U.S.C. §102(e) as being anticipated by Schafer et al. (United States Patent Number 6,134,267). The Examiner indicated that claims 3-5, 11-13, 19, 20, 26, and 27 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Independent Claims 1, 9, 17 and 24

Independent Claims 1, 9, 17, and 24 were rejected under 35 U.S.C. §102(e) as being anticipated by Schafer et al. Regarding claims 1 and 9, the Examiner asserts that Schafer teaches “means 8 for inserting an identifying signal TII on inactive sub-carriers (col. 1, lines 31-35; the TII signal is inserted in a null symbol (inactive sub-carriers)).”

Applicants note that Schafer teaches that the “method to detect transmitter identification information in a DAB stream according to the present invention comprises the following steps: a) differential demodulation of TII pairs included in the spectrum of every second *null symbol* of the incoming DAB stream to respectively obtain a demodulated null symbol spectrum.” (Col. 2, lines 35-41; emphasis added.)

The transmission of a null symbol does not infer that the transmission of the symbol is performed utilizing inactive subcarriers, as would be apparent to a person of ordinary skill in the art. The present invention teaches to transmit “a repeater identification signal with the customer data, using the *inactive OFDM sub-carriers (bins)*.” (Page 5, lines 1-3; emphasis added.) Schafer does not disclose or suggest transmitting or inserting an identifying signal on *inactive sub-carriers*, as defined in the present invention and as would be apparent to a person of ordinary skill in the art. Independent claims 1 and 9 require transmitting or inserting “an identifying signal on inactive sub-carriers, wherein said identifying signal identifies a transmitter,” and independent claims 17 and 24 require “identifying signal received on inactive

sub-carriers, wherein said identifying signal identifies a transmitter.”

Thus, Schafer et al. do not disclose or suggest transmitting or inserting an identifying signal on inactive sub-carriers, wherein said identifying signal identifies a transmitter, as required by independent claims 1 and 9, and do not disclose or suggest an identifying signal received on inactive sub-carriers, wherein said identifying signal identifies a transmitter, as required by independent claims 17 and 24.

Dependent Claims 2-8, 10-16, 18-23 and 25-30

Dependent Claims 2, 6-8, 10, 14-16, 18, 21-23, 25 and 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sayeed in view of Schafer et al.

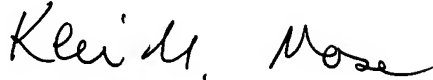
Claims 2-8, 10-16, 18-23 and 25-30 are dependent on claims 1, 9, 17, and 24, respectively, and are therefore patentably distinguished over Schafer et al. because of their dependency from independent claims 1, 9, 17, and 24 for the reasons set forth above, as well as other elements these claims add in combination to their base claim. The Examiner has already indicated that claims 3-5, 11-13, 19, 20, 26, and 27 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

All of the pending claims, i.e., claims 1 through 30, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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